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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8119 of 2003

Between:

M/s. Fabricon Private Limited (No.01-001397),

B-2, Industrial Development Area,

Uppal,. Hyderabad-500039,

Represented by its Managing Director,

K.Muralidhar Rao S/o Kotaiah Choudary,

56 years, r/o 8-2-331/10, Opp: VST House, road No.3,

Banjara Hills, Hyderabad_500034.

..... PETITIONER

AND

1. M/s. Prudential Co-operative Bank Limited,

   RP Road Branch, Secunderabad,

   Represented by its administrator,

   Government of Andhra Pradesh, Hyderabad,

   Situate at its Head Officer, RP Road, Secundrabad.

2. The Registrar of Cooperative Societies,

   Nampally, Hyderabad.

3. M/s. Shivani Engineering Industries,

Represented by its Managing Partner,

Smt. K.Rama Devi w/o K.Muralidhar Rao,

Aged about 46 years, R/o.8-2-331/10, Opp:VST House,

Road No.3, Banjara Hills, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 1st respondent Bank in issuing the notice vide Ref.No.PCB/RP/AR/ESI/4(PO)/2002-03, dt. 14.2.2003 to the petitioner under Section 13(2) of the Securitisation and Reconstruction of financial Assets and Enforcement of Security Interest Act, 2002 as illegal, arbitrary and against the principles of natural justice and also violative of Articles 21, 19 (g) and 300A of the Constitution of India.

Counsel for the Petitioner: MR.T.V.L.NARASIMHA RAO

Counsel for the Respondent No.1: Sri S.Ashok Anand Kumar

The Court Made the Following ORDER:

(per Hon'ble Sri Devinder Gupta, The Chief Justice)

In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 [MARDIA CHEMICALS LTD v UNION OF INDIA & ORS], challenge to the provisions of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason relief prayed for in this writ petition cannot be granted. Writ petition is, therefore, dismissed.

DEVINDER GUPTA, CJ

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G.ROHINI, J

17th June, 2004.

nmr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Registrar of Cooperative Societies,

   Nampally, Hyderabad.

4. M/s. Prudential Co-operative Bank Limited,

   RP Road Branch, Secunderabad,

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